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Attorneys for Teck Cominco Alaska Incorporated

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

ENOCH ADAMS, JR., LEROY ADAMS, )  
ANDREW KOENIG, JERRY NORTON, )  
DAVID SWAN, JOSEPH SWAN, )  
Plaintiffs, )

vs. )

TECK COMINCO ALASKA )  
INCORPORATED, )  
Defendant, )

NANA REGIONAL CORPORATION, and )  
NORTHWEST ARCTIC BOROUGH, )  
Intervenor-Defendants. )

Case No.: A04-00049 CV (JWS)

**NOTICE OF PERMIT WITHDRAWAL**

Teck Cominco gives notice to the court that the EPA has withdrawn the 2007 NPDES permit that it earlier issued to Red Dog Mine and that was subject to an administrative appeal by the plaintiffs. [See Docket 148.]

DATED at Anchorage, Alaska, this 3rd day of October, 2007

HARTIG RHODES HOGE & LEKISCH, P.C.  
Attorneys for Teck Cominco Alaska Incorporated

By:   
Sean Halloran

CERTIFICATE OF SERVICE

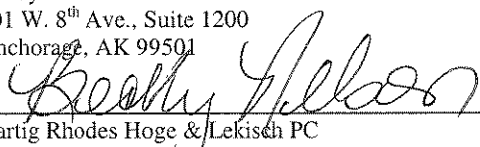
I hereby certify that on the 3rd day of October, 2007,  
a true and correct copy of the foregoing was served,  
via electronic service, on the below identified parties of  
record:

Luke W. Cole  
Center on Race, Poverty, & the Environment  
450 Geary Street, Suite 500  
San Francisco, California 94102

Nancy S. Wainwright (via U.S. Mail only)  
Law Offices of Nancy S. Wainwright  
13030 Back Road, Suite 555  
Anchorage, Alaska 99515-3538

James E. Torgerson  
Heller Ehrman White & McAuliffe LLP  
510 L Street, Suite 500  
Anchorage, Alaska 99501-1959

David S. Case  
Landye Bennett Blumstein LLP  
701 W. 8<sup>th</sup> Ave., Suite 1200  
Anchorage, AK 99501

  
Hartig Rhodes Hoge & Lekisch PC

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

Reply To  
Attn Of: OWW-135

SEP 27 2007

John Knapp  
General Manager  
Teck Cominco Alaska, Incorporated  
Red Dog Operations  
3105 Lakeshore Drive, Bldg. A, Suite 101  
Anchorage, Alaska 99517

Re: Teck Cominco Alaska Incorporated, Red Dog Mine  
NPDES Permit No. AK-00386S-2

Dear Mr. Knapp:

EPA is withdrawing the National Pollutant Discharge Elimination System (NPDES) permit reissuance for the Red Dog Mine dated March 7, 2007. We are taking this action in order to revise our National Environmental Policy Act (NEPA) analysis for the NPDES permit. Enclosed is the NPDES permit withdrawal and our withdrawal notice to the Environmental Appeals Board (EAB).

The administratively extended NPDES permit conditions that were in effect prior to the March 7, 2007 permit reissuance remain in effect. A follow-up communication will clarify the effective permit conditions.

We intend to incorporate the NEPA analysis for the reissuance of this NPDES permit into the ongoing Red Dog Mine - Aqqaluk Supplemental Environmental Impact Statement (SEIS). EPA has already issued a Notice of Intent to prepare a supplemental EIS for the Red Dog Mine and Aqqaluk project and will conduct scoping meetings on October 2 through 5, 2007.

If you have questions regarding the NPDES permit please contact Mike Lidgard at (206) 553-1755 or Cindi Godsey at (907) 271-6561. Contact Patty McGrath at (206) 553-0979 with questions regarding the Red Dog Mine - Aqqaluk SEIS.

Sincerely,

A handwritten signature in black ink, which appears to read "M. Gearheard", is written over the typed name.

Michael F. Gearheard  
Director, Office of Water and Watersheds

Enclosures

Cc: Lynn Kent, ADEC

Withdrawal of NPDES Permit - September 27, 2007

Permit No. AK-003865-2  
Page 1 of 1

United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

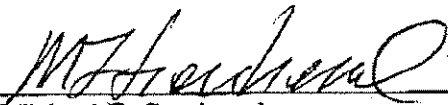
**Withdrawal of Permit Under the  
National Pollutant Discharge Elimination System**

The following permit reissuance, which is subject to a pending appeal before the Environmental Appeals Board (Appeal Nos. NPDES 07-08 & 07-09), is hereby withdrawn pursuant to 40 CFR § 124.19(d):

NPDES Permit No.: AK-003865-2  
Permittee: Teck Cominco Alaska, Inc.  
Facility: Red Dog Mine  
Signed: March 7, 2007

The administratively extended NPDES permit conditions that were in effect prior to that March 7, 2007, permit reissuance remain in effect.

Signed this 27<sup>th</sup> day of September, 2007

  
\_\_\_\_\_  
Michael F. Gearheard  
Director, Office of Water & Watersheds  
U.S. Environmental Protection Agency, Region 10